IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

HUNTINGTON DIVISION

ASHLEY WASHBURN,

       Plaintiff,

v.   **Civil Action No. 3:12-mc-00038**

LAWRENCE COUNTY BOARD
OF COMMISIONERS and
ATTITUDE AVIATION, INC.,
an Ohio Company,

       Defendants.

ORDER

Pending before the Court is Plaintiff's motion for protective order or, in the alternative to quash the subpoenas emailed to counsel on the evening of February 29, 2012. (Docket No. 1). The Court has been advised that the issues raised in Plaintiff's motion are currently being addressed by United States Magistrate Judge Stephanie K. Bowman in the United States District Court for the Southern District of Ohio. Accordingly, the Court hereby **STAYS** its ruling on the pending motion. *See, e.g.*, *Lefkoe v. Jos. A. Bank Clothiers, Inc.*, 577 F.3d 240 (4th Cir. 2009) (deference should be given to district court with supervising authority over discovery litigation.); *In re Sealed Case*, 141 F.3d 337, 341–42 (D.C. Cir. 1998) (Advisory Committee Note to Rule 26 authorizing issuance of protective orders naturally read to suggest that remote district court may stay its action on motion,

permit plaintiff to make motion for protective order in court where trial is to take place, and then defer to trial court's decision); *Clausnitzer v. Federal Express Corp.*, 2007 WL 2422039 (N.D.Ga. August 22, 2007) ("Although courts have found that transfer of a Rule 45(c) motion to quash or compel is not appropriate, those same courts, because of the complexity of the underlying litigation and to ensure uniformity in the resolution of discovery disputes, have authorized the entry of orders or have entered orders staying the motions to quash or compel to allow the court in which the litigation is pending to rule on a Rule 26(c) motion for a protective order, subsequently deferring to that ruling").

The Clerk is directed to provide a copy of this Order to all counsel of record.

ENTERED: March 7, 2012.

Cheryl A. Eifert
United States Magistrate Judge